

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK ANTHONY INTERNATIONAL
SRL, et al.,

Plaintiffs,

-against-

PRIME HYDRATION, LLC,

Defendant.

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24-CV-07620 (PAE) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

As a precondition to the settlement conference scheduled for March 11, 2025, the Court required that the parties "conduct at least one good-faith settlement discussion, in person or by telephone, and that each party convey to each opposing party at least one good-faith settlement demand or offer[.]" Settlement Conf. Sched. Order (Dkt. 44) ¶ 2. "Past settlement negotiations may not be relied upon to satisfy this requirement." *Id.*

The Court has received and reviewed the parties' confidential settlement letters. It appears that the parties have failed to confer *in person or by telephone* as required. It further appears that, while the parties have exchanged emails about reopening their pre-litigation negotiations, neither side has actually made a current – and concrete – settlement demand or offer.

If the parties wish to keep their March 11 settlement conference date, they must meet and confer in "real time" (*i.e.*, in person or by telephone); exchange good-faith settlement demands/offers; and, no later than **March 10, 2025, at 12:00 noon**, jointly submit a confidential settlement update letter to chambers by email, addressed to Moses_NYSDChambers@nysd.uscourts.gov, marked "Confidential Material for Use Only at Settlement Conference." The letter must briefly describe the parties' settlement negotiations to date, including the date and time of the parties' last good-faith, real-time, settlement discussion, and the terms of each party's most recent demand or offer.

As the parties have been advised, Judge Moses "normally holds only one settlement conference per case." Settlement Conf. Sched. Order ¶ 2. If the parties cannot meaningfully initiate the negotiation process in advance of next week's conference, the Court will conclude that they are not yet prepared to make productive use of that conference, and will adjourn it to a later date.

Dated: New York, New York
March 6, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge